

HAFETZ & NECHELES

ATTORNEYS AT LAW

500 FIFTH AVENUE

NEW YORK, N.Y. 10110

TELEPHONE: (212) 997-7595

TELECOPIER: (212) 997-7646

E-MAIL: info@hafetzlaw.com

FREDERICK P. HAFETZ
SUSAN R. NECHELESJOSHUA R. GELLER
NOAH E. SHELANSKITRACY E. SIVITZ
FLORA TARTAKOVSKY

August 18, 2008

VIA ELECTRONIC MAIL

Honorable Paul A. Crotty
 United States District Judge
 Southern District of New York
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street, Room 735
 New York, NY 10007

Re: United States v. James Bonczek, No. 08 Crim. 361 (PAC)

USDS	SDNY
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ELECTRONICALLY FILED	
DOC #:	
DATE FILED: AUG 19 2008	

MEMO ENDORSED

Dear Judge Crotty:

As Your Honor is aware, the defense moved this Court for permission to review the seized computer hard drives using a Macintosh forensic computer. The government initially refused to provide a Macintosh computer for the review.

As we stated in our motion, forensic review may reveal evidence which is directly relevant to the pending motion to suppress. For this reason we asked for the evidentiary hearing to be held open, so that any further relevant evidence could be admitted. Your Honor granted that request. Hr'g Tr. 144, Jul. 9, 2008.

The defense submitted its motion on July 8 and submitted an affidavit of a computer expert in support of this motion on July 14. The government finally agreed to provide a Macintosh computer, and the Court terminated the motion on August 4.

While the government has now finally purchased a Macintosh computer, it has still not formatted the seized hard drives as required. On August 5, the defense advised the government that all of the hard drives would have to be in a "bit-for-bit" format in order to be reviewed with the Macintosh computer. As of this afternoon, only two of the four hard drives have been converted to this format. The government advises that all of the hard drives will not be properly formatted until the afternoon of August 18.

The Court has ordered that the defense submit its reply to the government's opposition to the motion to dismiss on August 22. However, due to the government's delay in making the evidence available for forensic review, we request a one-week extension to August 29. This will

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allow the defense time to complete the forensic review and include any necessary information in our reply brief. AUSA Kasulis does not oppose this request.

Thank you for your consideration.

Respectfully submitted,

Susan R. Necheles

SRN/jrg

cc: AUSA Telemachus Kasulis (via electronic mail)

SO ORDERED: *[Signature]* AUG 19 2008

Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE